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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
TRENTON VICINAGE**

DONALD J. TRUMP FOR
PRESIDENT, INC., REPUBLICAN
NATIONAL COMMITTEE, NEW
JERSEY REPUBLICAN STATE
COMMITTEE,

Plaintiffs,

v.

TAHESHA WAY, in her official
capacity as Secretary of State of New
Jersey,

Defendant.

Hon. Michael A. Shipp, U.S.D.J.

Civil Action No. 20-10753

CIVIL ACTION

(ELECTRONICALLY FILED)

**DECLARATION OF KIMBERLY CAMPISI IN OPPOSITION TO
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

1. I am the Administrator for the Camden County Board of Elections (Board). I have been employed in this position since July 1, 2011. My job duties

include assisting the Board with the canvassing and counting of all ballots cast in Camden County, including all vote by mail (mail-in) ballots and provisional ballots.

2. In the July 7, 2020 Primary Election, the Board received in excess of 78,490 mail-in ballots and 14,870 provisional ballots.

3. For comparison purposes, for the June 2016 Primary Election, the Board counted a total of approximately 20,200 mail-in and 1,219 provisional ballots.

4. On July 8, 2020, the Board received a USPS delivery of approximately 400 mail-in ballots with postmark dates of July 8, 2020.

5. On July 8, 2020, the Board received correspondence from the United States Postal Service (USPS) confirming that certain mail-in ballots delivered to the Board on the morning of July 8, 2020 and bearing postmarked dates of July 8, 2020 had in fact been received by USPS on or before July 7, 2020. A true and correct copy of the July 8, 2020 letter from USPS is attached hereto as Exhibit 1.

6. The correspondence also confirmed that certain mail-in ballots were in possession of USPS on the morning of July 8, 2020 that did not have postmarks. USPS postmarked those ballots with a July 8, 2020 date and delivered them to the Board on July 8, 2020.

7. USPS stated that based on its operational processes, it believed that the mail-in ballots located at a delivery unit on the morning of July 8, 2020 and delivered later that same day, would have been received by USPS on or before July 7, 2020.

8. The nature of the July 7 Primary Election resulted in the Board needing an extended amount of time to canvass and count ballots.

9. The July 7 Primary Election was conducted almost exclusively through the use of mail-in ballots and provisional ballots. As a result, the Board received an unprecedented number of mail-in ballots and provisional ballots.

10. In addition to the unprecedented number of mail-in and provisional ballots cast in the Primary Election, the statutory deadline for the receipt of mail-in ballots by the Board (48 hours after the close of the polls for mail-in ballots postmarked no later than the day of the election, N.J.S.A. 19:63-22) was extended by Executive Order 144 (Murphy) ¶14, to seven days after the close of the polls, or July 14, 2020 at 8:00 p.m. That meant that in order to ensure that no more than one vote per voter was counted, the review of provisional ballots could not begin until after 8:00 p.m. on July 14. This is necessary to ensure that a provisional ballot was not counted from a voter who also submitted a mail-in ballot.

11. Due to the above-cited unprecedented number of mail-in and provisional ballots received by the Board, and the limited time provided for the review process for provisional ballots, the Board was unable to complete its review, canvass, and count of all of the mail-in and provisional ballots received in the Primary Election by the July 24, 2020 deadline. The Board petitioned for and received an order from the Superior Court of New Jersey – Camden Vicinage to

extend the time the Board had to review, canvass, and count ballots until no later than July 31, 2020.

12. The procedures of the recent legislation modifying and supplementing Title 19 of the New Jersey Statutes, P.L. 2020, c. 72 (codified as N.J. Stat. Ann. §19:63-31), are similar to those in place for the July 2020 Primary Election in that the General Election will be conducted largely through mail-in ballots and provisional ballots and all otherwise valid ballots postmarked on or before November 3, 2020, and received by the Board no later than November 10, 2020 at 8:00 p.m. shall be counted. P.L. 2020, c. 72, §2, ¶¶a, m.

13. However, unlike with the Primary Election, the Board cannot seek any extension of time to canvass and count ballots and report the results for the meeting of the county Board of Canvassers, which must occur on or before November 20, 2020. P.L. 2020, c. 72, §2, ¶p.

14. For the November 2020 General Election, approximately 347,000 mail-in ballots will be sent to Camden County voters. Based on an anticipated 75 percent turnout, the Board estimates that it will receive around 260,250 returned mail-in ballots by November 10, 2020 at 8:00 p.m. For comparison, the turnout in the 2016 General Election included approximately 39,712 mail-in and 5,554 provisional ballots.

15. If the Board cannot begin canvassing ballots prior to Election Day, it would need to hire and train additional staff members to review, canvass, and count ballots in order to ensure counting is completed prior to the November 20 deadline. Current staff will suffice if employees can begin canvassing mail-in ballots early. But reversing course this close to Election Day would disrupt the Board's administration of the election as it would have a minimal amount of time – just a few weeks, maybe even mere days – to recruit and train new staff while simultaneously doing all of its other duties to prepare for the election. The need for social distancing and sanitation measures at Board facilities this year makes all of these tasks – recruitment, training, and canvassing – even more difficult.

16. Without early counting, it would be difficult, if not impossible, to ensure that all votes are counted within the statutory timeframe.

17. Due to the drastically increased number of mail-in and provisional ballots to be received by the Board and the limited time provided for the review process for provisional ballots, the Board will have to begin canvassing mail-in ballots prior to Election Day in accordance with P.L. 2020, c. 72, §2, ¶m in order to ensure that all ballots received by the Board are canvassed and counted before November 20.

18. The Board shall ensure the security and secrecy of any mail-in ballots canvassed prior to Election Day.

19. The Board uses the Dominion ICC system to scan mail-in ballots. The computer and program used to tally results of mail-in ballots and to process reports is password-protected and accessible only to myself and my co-administrator Sarah Booker and one on-site support member from Dominion's staff. The program has an audit trail that reports to us who logged into the system and what they did while logged in, including any reports run.

20. All ballots, when not being processed by staff, are kept locked in a caged area of the Board's warehouse. Only four staff members, including myself, have a key to the caged area. No one is permitted to enter that area without a member of the opposite party.

21. Board staff has been made aware that they are prohibited from disclosing the contents of any mail-in ballot or the results of ballot canvassing prior to the close of polls on Election Day and that knowingly disclosing to the public the contents of a mail-in ballot prior to the closing of polls is a crime of the third degree.

22. The Board is also awaiting the issuance of guidance from the Division of Elections on maintaining the confidentiality and secrecy of mail-in ballot canvassed before Election Day.

23. The Board has published on its publically-available website information on election rules and procedures for the November 2020 General Election. Camden County Board of Elections, 2020 General Election,

<https://www.camdencounty.com/service/voting-and-elections/2020-general-election/> (last visited Sept. 22, 2020). The website informs that the November 2020 General Election will be conducted primarily through mail-in ballots and that every active registered voters will be sent a mail-in ballot. Id. It informs voters that they can submit their mail-in ballot to a drop box or the Board's office until 8:00 p.m. on November 3 and that ballots postmarked on or before Election Day will be counted if received by November 10, 2020. Id. A true and correct copy of the 2020 General Election portion of the Board's website is attached hereto as Exhibit 2.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: *9/25/2020*



Kimberly Campisi, Administrator